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In re the Application of:

Joseph Samuel Brattain, *et al.*)

Serial Number: 09/735,444)

Group: 3624

Docket Number: AUS9-2000-0737-US1)

Examiner: Kelly Scaggs Campen

Filed on: 12/12/2000)

For: "Client Account and Information)

Management System and Method")

APPEAL BRIEF***Real Party in Interest per 37 CFR §41.37(c)(1)(i)***

The subject patent application is owned by International Business Machines Corporation of Armonk, NY.

Related Appeals and Interferences per 37 CFR §41.37(c)(1)(ii)

None.

Status of Claims per 37 CFR §41.37(c)(1)(iii)

Claims 1 - 3, 5 - 13, 15, and 17 - 22 are finally rejected. The rejections of Claims 1 - 3, 5 - 13, 15, and 17 - 22 are appealed.

Status of Amendments after Final Rejections per 37 CFR §41.37(c)(1)(iv)

Claim 1 was amended on December 19, 2005, to comply with a rejection regarding a grammatical error, changing "an" to "a".

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Summary of the Claimed Subject Matter per 37 CFR §41.37(c)(1)(v)

The present invention addresses a problem in the art regarding preparing executive briefing packages, such as briefing packages for presentation to a sales account executive regarding client business entities managed by the sales account executive. These types of briefing packages often are prepared manually by assembling information from a variety of sources, and thus the preparation from one package can be inconsistent based on the assistant preparing the packages, and the preparation efforts can be very time consuming, and thus costly.

The present invention provides a method, corresponding computer program product, and a system for assembly such briefing packages. In particular, the invention allows for submission of information to be included in briefing packages by email, as follows (emphasis added for subsequent discussion):

- (a) a plurality of client records relating to one or more client business entities are stored, in which each client record contains a plurality of fields in at least one client account database (pg. 12 lines 1 - 7, Fig. 3 #31 - 32), at least one of the fields contains a link to data, documents or information *external* (pg. 12 lines 8 - 10, Fig. 3, #33 - 35, #36) to the database;
- (b) a portion of an electronic mail message is parsed according to a predetermined format (pg. 13 line 17 - pg. 14 line 5, Fig. 3 #37) to determine to which client record the message is to be linked (pg. 14 lines 3 - 5), which allows more than one assistant to contribute to the briefing package (pg. 13 lines 15 - 17);
- (c) the information is then integrated to form a briefing package by linking the electronic mail message and at least one other external data item to at least one client record, wherein the other external data item(s) include a stock share price quote server, a business plan document, a marketing strategy document, a note from a previous meeting with said client, or a previously presented presentation document and an action item list (pg. 14 line 6 - pg. 18 line 13, Figs. 4 and 5);
- (d) the briefing package is then shown as "a first set of information" for a selected client account on a main screen view on a user display by selecting an client record associated with a specific client business entity (Fig. 5 #40); and

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- (e) a number of expandable subforms are displayed in which the subforms retrieve and show at least one of the linked external data items when expanded (Fig. 5 #43, #52 - 55).

In this manner, the system builds linked database content by automatically receiving information for inclusion via specially formatted emails from one or more users. The information is automatically linked, including information externally stored from the main database, and the information is organized into a "main screen" (e.g. the first set of information) through which a number of more detailed "subforms" may be shown. Subsequently, a user, such as an account executive, can access the information as needed in order to be briefed on a particular client's background, history, finances, etc.

Grounds for Rejection For Which Review is Sought per 37 CFR §41.37(c)(1)(vi)

Review by the Board is sought for:

- (a) rejections of claims 10 - 13, 15, and 17 - 22 under 35 U.S.C. §101; and
- (b) rejections of claims 1 - 3, 5, 7 - 13, 15, and 17 - 22 under 35 U.S.C. §102(e) over US Patent 6,343,275 to Wong (hereinafter "Wong").

Arguments per 37 CFR §41.37(c)(1)(vii)

Rejections of Claims 10 - 13, 15, and 17 - 22 under 35 U.S.C. §101

In the second and final Office Action, claims 10 - 13, 15, and 17 - 22 were rejected for the first time under 35 U.S.C. §101. It is helpful to note that the first Office Action was written by Examiner Wasylchak, which included no rejections of these claims under 35 U.S.C. §101. No issues arose regarding 35 U.S.C. §101 during the telephonic interview between Appellant's agent and Examiner Wasylchak, and the examiner's supervisor Patel. However, the second Office Action contained new rejections to claims 10 - 13, 15, and 17 - 22, which is written by Examiner Campen, and approved by Primary Examiner Kazimi. As such, the present Appeal Brief is Appellant's first opportunity to address these newly raised rejections, and to reply to the rationale of the newly assigned examiner-primary examiner team.

Regarding claims 10 - 13 and 15 which are directed towards a computer readable

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medium, the body of the claim includes recitation of storing records in a database, which is a practical application of technological arts as evidenced by the millions of databases in current use throughout businesses today.

Further, claims 10 - 13 and 15 recite "showing" a first set of information and one or more subforms containing information to a user on a "user display". In our disclosure, we have defined a "user display" as a computer display (Fig. 2 #13), and preferably a web browser frame (Fig. 4 #25). Such a display on a computer is "tangible" and "concrete", and has been held as belonging to the statutorily patentable technological arts, as the Court has held that computer displays such as computer icons are "articles of manufacture", in cases such as those cited at MPEP 1504.01(a).

Additionally, as described in the Background of the Invention, the informational display is the result of our process which solves a problem, thereby rendering the process embodied on the computer-readable medium as being "useful".

For these reasons, reversal of the rejections of Claims 10 - 13 and 15 under 35 U.S.C. §101 is requested.

Regarding the rejections of Claims 17 - 22 which are directed towards a system embodiment of the invention, the claims recite in their bodies the following technological devices:

- (a) a storage device, referring to a computer storage device such as memory, hard drive, etc., consistent with our disclosure;
- (b) an email parser; and
- (c) and two program code means.

Further, the claims recite a user display on which the two program means show information to the user. For the same reasons as discussed relative to claims 10 - 13 and 15 in the foregoing paragraphs, these claims recite devices in the technological arts, and a useful and tangible result is produced by the system.

For these reasons, reversal of the rejections of Claims 17 - 22 under 35 U.S.C. §101 is requested.

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Rejections of Claims 1 - 3, 5, 7 - 13, 15, and 17 - 22 under 35 U.S.C. 102(e) over Wong - General Arguments

In the Office Action, the previous rejections over Wong made by Examiner Wasylchak in the first Office Action were made final by Examiner Campen by referencing Examiner Wasylchak's previous rationale, with the following additional rationale addressing the specifics of the amendment filed by applicant following the first Office Action. The subject matter of the telephone interview on 3/7/2005 between Examiner Wasylchak and Primary Examiner Patel, including an informal agreement that the proposed amendment would likely overcome the rejections over Wong, was not addressed in the rationale of the final rejections by Examiner Campen.

(1) Applicant's Amendment Presented Non-functional Descriptive Matter. In general, the amendments of 3/8/2005 were directed towards the adding detailed steps, elements, or limitations regarding the organization of stored information (e.g. the linking mechanisms) in a database, the parsing of an email message to link it into the database, and the integration of the information into packages to be shown to the user on a computer display. The display itself was present in the claims as originally filed, and thus was not part of the amendment. For the foregoing reasons discussed relative to the rejections under 35 U.S.C. §101, these steps, elements, and limitations are not simply non-functional descriptive matter, but instead are parts of a method or system which produce useful and tangible results.

(2) Wong's Invention is Capable of Performing Our Claimed Functions. It was stated in the rationale that "Wong is capable of performing the function of this matter", immediately after stating that the matter itself was "non-functional", which seems to present a paradox in the opinion. Further, Wong's invention's "capabilities", if not explicitly disclosed and taught by Wong's patent, are not properly applied prior art under 35 U.S.C. §102(e). For example, in *In re Robertson* (169 F.3d 743, 49 USPQ2d 1949, Fed. Cir. 1999), the Court held that anticipation was not possible if the cited reference was only capable of being modified, if such modification was not suggested or taught by the reference itself.

(3) Applicant's Reply to the Previous Office Action Failed to Point Out Specifically How the Claims Are Patentably Distinguished from the Cited Reference. In this rationale, the previous rationale for the rejections under 35 U.S.C. 102(e), as set forth by Examiner Wasylchak, were

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repeated, because it was reasoned that the applicant had not specifically pointed out how the claims were patentably distinguished from the cited reference. Applicant respectfully traverses this holding, and points out that the amendment and accompanying reasoning provided by applicant in the first reply were apparently considered to be reasonable and potentially agreeable during the telephone interview with Examiner Wasylchak and Primary Examiner Patel. For these reasons, applicant maintains the arguments regarding patentability as provided in the reply to the examiner of Mar. 8, 2005 for consideration by the Board.

The following arguments provide applicant's grouping of claims for the purpose of consideration by the Board.

Rejections of Claims 1, 10 and 17 under 35 U.S.C. 102(e) over Wong

U.S. Patent 6,343,275 to Wong is directed towards automation of information handling for businesses process related to order entry, order fulfillment and order problem tracking (col. 4 lines 8 - 53). The object of Wong's invention appears to be to allow visibility of what is happening "inside" a company with respect to a particular client's orders, problem resolutions, etc. (col. 2 lines 53 - 57). Wong discloses limited "external influences" which are external communications with an outside or client company such as the placing of an order.

Our invention, however, relates to managing information for sales account executives who are preparing to visit or present to an existing or prospective client, wherein the existing or prospective client is a business entity *outside* the company which is using our invention. By "executive briefing package", we mean a collection of information about an outside business entity including such items as stock quotes, news reports, key contact biographies, previous meeting notes, previous presentations, and action item lists (pg. 3 line 11 through pg. 5 line 6). These executive briefing packages are not the same as the types of information coalesced by Wong's inside order management information system. Additionally, we have disclosed a novel method of adding information to the integrated briefing package by email (pg. 13 line 15 through pg. 14 line 5, Fig. 3 #37).

As such, our independent claims 1, 10 and 17 were amended to include a number of distinctive steps, elements or limitations not taught by Wong:

- (1) parsing an electronic mail message according to determine a client record to which the message is to be linked;

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- (2) forming a "briefing package" as we have defined it;
- (3) integrating database records with at least one external document including stock share price quote, a business plan document, a marketing strategy document, a note from a previous meeting with the client, a previously presented presentation document and an action item list; and
- (4) showing the integrated information in the formed briefing package using expandable subforms which, when expanded, show the linked documents.

Wong is silent as to coalescing these types of information in this manner. For these reasons, Appellant requests reversal of the rejections claims 1, 10 and 17, and their dependent claims.

Rejections of Claims 2, 13, and 20 under 35 U.S.C. §102(e) over Wong

Claims 2, 13, and 20, depend from Claims 1, 10 and 17, respectively, and specify that the invention parses a subject field of the email to find a client name indicator for use in determining which database record to which to link the email message. Wong is silent as to parsing subject fields of emails in this manner. Appellant therefore requests reversal of the rejections of Claims 2, 13, and 20 for these reasons as well as for the reasons discussed in the foregoing remarks regarding Claims 1, 10 and 17.

Rejections of Claims 3 and 15 under 35 U.S.C. §102(e) over Wong

Claims 3 and 15 depend from Claims 1 and 10, respectively, and specify that the invention links to a stock share price quote server. This was compared to a screen in the Wong disclosure which allows entry of a company name, which is not the same as accessing a stock share price quote server, and is not the same as "checking stock status" for an item to be ordered (e.g. checking to see if an item is currently in stock). By "stock share price" we mean the price of a share of the corporation as commonly used in stock trading systems such as the New York Stock Exchange.

Wong is silent is to this step, element or limitation. Appellant requests reversal of the rejections of Claims 3 and 15 for these reasons as well as for the reasons discussed in the foregoing remarks regarding Claims 1 and 10.

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Rejections of Claims 5, 11 and 18 under 35 U.S.C. §102(e) over Wong

Claims 5, 11 and 18 depend from Claims 1, 10, and 17, respectively, and specify that the invention integrates and links to word processor files. This was compared to Wong's disclosure of using "letters" between two business entities. Letters, however, are not synonymous with word processor files, as word processor files may contain other types of documents and information, and as letters may be produced using other devices and processes other than word processor files.

Wong is silent is to this step, element or limitation. Appellant therefore requests reversal of the rejections of Claims 5, 11 and 18 for these reasons as well as for the reasons discussed in the foregoing remarks regarding Claims 1, 10 and 17.

Rejections of Claims 7, 12, and 19 under 35 U.S.C. §102(e) over Wong

Claims 7, 12, and 19 depend from Claims 1, 10, and 17, respectively, and specify that the invention integrates and links to an electronic presentation file. By "presentation file" we mean the type of computer file which is used to store graphic and often multi-media information for conducting business presentations, slide shows, etc., such as Microsoft PowerPoint or Lotus Freelance presentation files.

Wong is silent is to this step, element or limitation. Appellant therefore requests reversal of the rejections of Claims 7, 12, and 19 for these reasons as well as for the reasons discussed in the foregoing remarks regarding Claims 1, 10 and 17.

Rejection of Claim 8 under 35 U.S.C. §102(e) over Wong

Claim 8 depends from Claim 1 and specifies that the invention integrates and links to an electronic action item list. This was compared to Wong's "user interface controls for taking action" in Wong's claim 11.

By "action item" we mean the type of "to do" list entry which is typically recorded and tracked during meeting, through which various parties are assigned actions or tasks to complete before the next meeting, as is commonly defined:

Action Item: Something agreed to be done as a result of a discussion at a meeting and usually recorded in the minutes of that meeting. (Source:

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Wideman's Comparative Glossary of Project Management Terms, found
online at: http://www.pmforum.org/library/glossary/PMG_A01.htm)

As such, our "action item list" is not a user control for "taking action", but rather is another type of document integrated and linked into our briefing package. Wong is silent is to this step, element or limitation. Appellant therefore requests reversal of the rejection of Claim 8 these reasons as well as for the reasons discussed in the foregoing remarks regarding Claim 1.

Rejections of Claims 9 and 21 under 35 U.S.C. §102(e) over Wong

Claims 9 and 21 depend from Claims 1 and 17, respectively, and specify that the invention integrates and links to a biographical account of an employee of the client company. By "biographical account" we mean information regarding the client such as a summary document about the employee's career highlights, past positions and employers, etc.

Wong is silent is to this step, element or limitation. Appellant therefore requests reversal of the rejections of Claims 9 and 21 for these reasons as well as for the reasons discussed in the foregoing remarks regarding Claims 1 and 17.

Rejection of Claim 22 under 35 U.S.C. §102(e) over Wong

Claim 22 depends from Claim 17. For the reasons discussed regarding the rejection of Claim 17, Appellant requests reversal of the rejection of Claim 22 which inherits the same elements and limitations of Claim 17 that distinguish it over the Wong disclosure.

Respectfully Submitted,

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Claims Appendix*per 37 CFR §41.37(c)(1)(viii)***Clean Form of Amended Claims****Claim 1 (previously amended):**

A method for organizing briefing packages for presentation to a sales account executive regarding client business entities managed by said sales account executive said method comprising the steps of:

storing a plurality of client records relating to one or more client business entities, each client record containing a plurality of fields in at least one client account database, at least one of said fields containing a link to data, documents or information external to said database;

parsing a portion of an electronic mail message according to a predetermined format to determine a client record to which the message is to be linked;

integrating information to form a briefing package by linking said electronic mail message and at least one other external data item to at least one client record, said other external data item being selected from the list of a stock share price quote server, a business plan document, a marketing strategy document, a note from a previous meeting with said client, a previously presented presentation document and an action item list;

subsequently showing a first set of information for a selected client account on a main screen view on a user display by selecting a client record associated with a specific client business entity; and

providing in said first set of shown information one or more user-selectable expandable subforms, wherein at least one subform retrieves and shows at least one of said linked external data items when expanded.

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Claim 2 (previously amended):

The method as set forth in Claim 1 wherein said step of parsing a portion of said electronic mail message according to a predetermined format comprises parsing a subject field for a client name indicator.

Claim 3 (previously amended):

The method as set forth in Claim 1 wherein said step of showing a first set of information comprises showing a stock share trading symbol for a selected client account.

Claim 4 (previously canceled).

Claim 5 (previously amended):

The method as set forth in Claim 1 wherein said step of providing comprises providing at least one hyperlink to a word processor document.

Claim 6 (previously canceled).

Claim 7 (previously amended):

The method as set forth in Claim 1 wherein said step of providing comprises providing at least one hyperlink to a computer-readable presentation file.

Claim 8 (previously amended):

The method as set forth in Claim 1 wherein said step of providing comprises providing at least one hyperlink to an action item list.

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Claim 9 (previously amended):

The method as set forth in Claim 1 wherein said step of providing comprises providing at least one hyperlink to a biographical account of an employee for a selected client account.

Claim 10 (previously amended):

A computer program embodied in a computer-readable medium for organizing and briefing packages for presentation to sales account executives, said computer program performing steps comprising:

storing a plurality of client records relating to one or more client business entities, each client record containing a plurality of fields in at least one client account database, at least one of said fields containing a link to data, documents or information external to said database;

parsing a portion of an electronic mail message according to a predetermined format to determine a client record to which the message is to be linked;

integrating information to form a briefing package by linking said electronic mail message and at least one other external data item to at least one client record, said other external data item being selected from the list of a stock share price quote server, a business plan document, a marketing strategy document, a note from a previous meeting with said client, a previously presented presentation document and an action item list;

subsequently showing a first set of information for a selected client account on a main screen view on a user display by selecting a client record associated with a specific client business entity; and

providing in said first set of shown information one or more user-selectable expandable subforms, wherein at least one subform retrieves and shows at least one of said linked external data items when expanded.

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Claim 11 (previously amended):

The computer program as set forth in Claim 10 wherein said program for retrieving linked external data items comprises program for showing word processor files.

Claim 12 (previously amended):

The computer program as set forth in Claim 10 wherein said program for retrieving linked external data items comprises program for showing computer-readable presentation files.

Claim 13 (previously amended):

The computer program as set forth in Claim 10 wherein said program code for parsing a portion of said electronic mail message comprises parsing a subject field for a client name indicator.

Claim 14 (previously canceled).

Claim 15 (previously amended):

The computer program as set forth in Claim 10 wherein said program for retrieving linked external data items comprises program for showing a stock share quote for a selected client company.

Claim 16 (previously canceled).

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A system for organizing information and presenting executive briefing packages comprising:

a storage device for storing a plurality of client records, said client records each containing data or links to data relating to a different customer and each record containing a plurality of fields, at least one of said fields containing a link to data, documents or information external to said database;

an email parser configured to parse a portion of an electronic mail message according to a predetermined format to determine a client record to which the message is to be linked;

a first program code means integrating and showing a first set of information for a selected client account on a main screen view on a user display, said integrating information forming a briefing package by linking said electronic mail message and at least one other external data item to at least one client record, said other external data item being selected from the list of a stock share price quote server, a business plan document, a marketing strategy document, a note from a previous meeting with said client, a previously presented presentation document and an action item list; and

a second code means for providing user-selectable expandable subforms and hyperlinks to additional information for said selected client account, wherein at least one subform retrieves and shows at least one of said linked external data items when expanded.

Claim 18 (original):

The system as set forth in Claim 17 wherein said second code means comprises code means for causing the computer to show word processor files.

Claim 19 (original):

The system as set forth in Claim 17 wherein said second code means comprises code means for causing the computer to show computer-readable presentation files.

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Claim 20 (previously amended):

The system as set forth in Claim 17 wherein said email parser is further configured to parse a subject field of said electronic message for a client name indicator.

Claim 21 (original):

The system as set forth in Claim 17 wherein said second code means comprises code means for causing the computer to show biographical information concerning at least one employee of a selected client company.

Claim 22 (original):

The system as set forth in Claim 17 further comprising a remote access communications interface for providing access to said database via a computer network, and for showing said first set of information for a selected client account on a remote computer display.

Claim 23 (previously canceled).

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Evidence Appendix
per 37 CFR §41.37(c)(1)(ix)

No evidence has been submitted by applicant or examiner pursuant to 37 CFR §§1.130, 1.131, or 1.132.

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Related Proceedings Appendix

per 37 CFR §41.37(c)(1)(x)

No decisions have been rendered by a court or the Board in the related proceedings as identified under 37 CFR §41.37(c)(1)(ii).